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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,308	10/22/2003	Richard D. Dettinger	ROC920030320US1	6406

7590 03/31/2006

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EXAMINER

EBIRIM, EMEKA

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,308	Applicant(s) DETINGER ET AL.	
	Examiner Emeka Ebirim	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03, 10/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. The application has been examined. Claims 1-30 are rejected as detailed below and are pending in this office action.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 28,29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 respectively of copending Application No. 10/691,415. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in

question (Claims 28,29) of the instant application is a subset of (Claims 1, 2) with Application No. 10/691,415.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following chart provides the correspondence between the instant claims and the claims of a copending application.

Application No: 10/691,415	Instant Application No: 10/691308
1. A method of searching fields of a data repository using dynamic term expansion, comprising:	28. A method of searching fields of a data repository using dynamic term expansion, comprising:
obtaining a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term;	obtaining a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term;
identifying a set of expanded terms associated with the base search term;	identifying a set of expanded terms associated with the base search term;
generating a pointer to the identified set of expanded search terms; and	generating a pointer to the identified set of expanded search terms; and
storing the query and information related	

to the pointer; and	
prior to executing the query, retrieving the query and the information related to the pointer and modifying the query to contain one or more conditions based on one or more expanded search terms retrieved using the pointer. .	prior to executing the query, modifying the query to contain one or more conditions based on one or more expanded search terms retrieved using the pointer.
2. The method of claim 1, further comprising modifying the identified set of expanded search terms after generating the pointer.	29. The method of claim 28, further comprising modifying the identified set of expanded search terms after generating the pointer.

Claim Objections

Claim 22 is objected to because of the following informalities: This claim is further dependent on claim 20 which does not recite "system" as indicated by claim 22. The Examiner believes that the claim was intended to be dependent on claim 21. For the purposes of this Office Action, the Examiner will interpret this claim as being dependent on claim 21. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Art Unit: 2166

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 17-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17-27 are not limited to tangible embodiments. In view of Applicants disclosure, specification [page 7 paragraph 0030] medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. CD-ROM disks, [page 7, line7]) and intangible embodiments (e.g., [lines 9-12]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No: 5,940,821 to Wical (hereinafter Wical).

Claim 1.

Wical discloses:

A method for context-sensitive searching of fields of a data repository using multiple levels of term expansion, comprising [context, search, repository, levels, expansion, term, Wical Col 3 lines 28-35, Col 4 lines 48-63, Col 14 lines 25-30, Fig 6,7]:

receiving, from a user, a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term [receive, user query, Wical Col 7 lines 62-67, Col 8 lines 40-45];

obtaining one or more parameters associated with the base search term [Col 13 lines 50-57];

obtaining a level of expansion based on the one or more parameters associated with the base search term [level, expand, Col 14 lines 15-45] ;

obtaining, based at least in part on the level of expansion, one or more expanded search terms [Col 14 lines 15-45]; and

modifying the query to contain one or more conditions based on the one or more expanded search terms [Wical Col 3 lines 11-22].

Claim 2.

Wical discloses the elements of claim 1 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a name of the at least one field [Category name, Wical Col 12 lines 1-15, Fig 8A,B,C].

Claim 3.

Wical discloses the elements of claim 1 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a name of a table containing the at least one field [table, Wical Col 30 lines 4-10].

Claim 4.

Wical discloses the elements of claim 1 as above and furthermore it discloses wherein different one or more expanded search terms are obtained for the at least one base search term depending on the name of the at least one field [Category name, Wical Col 12 lines 1-15, Fig 8A,B,C] .

Claim 5.

Wical discloses the elements of claim 1 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a user-specified level of expansion [Wical Col 15 lines 1-6].

Claim 6.

Wical discloses:

A method for searching fields of a data repository using multiple levels of term expansion, comprising [context, search, repository, levels, expansion, term, Wical Col 3 lines 28-35, Col 4 lines 48-63, Col 14 lines 25-30, Fig 6,7]:

receiving, from a user, a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term [receive, user query, Wical Col 7 lines 62-67, Col 8 lines 40-45];

obtaining a level of expansion associated with the base search term [Col 13 lines 50-57];

obtaining, based on the base search term and the associated level of expansion, one or more expanded search terms [Col 14 lines 15-45]; and

modifying the query to contain one or more conditions including the one or more expanded search terms [Wical Col 3 lines 11-22].

Claim 7.

Wical discloses the elements of claim 6 as above and furthermore it discloses wherein the base search term corresponds to an instance data value of the at least one field [value, Wical Col 18 lines 35-40, Fig 9B].

Claim 8.

Wical discloses the elements of claim 6 as above and furthermore it discloses providing an interface allowing a user to specify the level of expansion associated with the base search term [user interface, Wical Col 32 lines 38-43, Col 15 lines 1-6, Fig 6].

Claim 9.

Wical discloses the elements of claim 6 as above and furthermore it discloses wherein obtaining one or more expanded search terms comprises selecting a set of expanded search terms from a plurality of sets of expanded search terms, each set corresponding to a different level of expansion [Wical, Fig 6,7, 9C, Col 14 lines 27-55].

Claim 10.

Wical discloses the elements of claim 6 as above and furthermore it discloses wherein the number of expanded search terms in each set is dependent on the corresponding level of expansion [Wical, Fig 6,7, 9C, Col 14 lines 27-55].

Claim 11.

Wical discloses:

A method for context-sensitive searching of fields of a data repository, comprising [context, search, repository, levels, expansion, term, Wical Col 3 lines 28-35, Col 4 lines 48-63, Col 14 lines 25-30, Fig 6,7]:

receiving, from a user, a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term [receive, user query, Wical Col 7 lines 62-67, Col 8 lines 40-45];

obtaining, based one or more parameters associated with the base search term, one or more expanded search terms [Wical Col 14 lines 27-55, Fig 6,7,8A-C; and

modifying the query to contain one or more conditions based on the one or more expanded search terms [Wical Col 3 lines 11-22].

Claim 12.

Wical discloses the elements of claim 11 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a name of the at least one field [Category name, Wical Col 12 lines 1-15, Fig 8A,B,C].

Claim 13.

Wical discloses the elements of claim 12 as above and furthermore it discloses wherein different one or more expanded search terms are obtained for the at least one base search term depending on the name of the at least one field [Category name, Wical Col 12 lines 1-15, Fig 8A,B,C].

Claim 14.

Wical discloses the elements of claim 11 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a name of a table containing the at least one field [table, Wical Col 30 lines 4-10].

Claim 15.

Wical discloses the elements of claim 11 as above and furthermore it discloses wherein the one or more parameters associated with the base search term comprise a level of expansion [Wical Col 14 lines 27-55].

Claim 16.

Wical discloses the elements of claim 15 as above and furthermore it discloses wherein the level of expansion is dependent on one or more other ones of the one or more parameters [Wical Col 14 lines 27-55].

Claim 17.

Wical discloses:

A computer-readable medium containing a program for searching fields of a data repository using multiple levels of term expansion which, when executed, performs operations comprising [computer readable medium, context, search, repository, levels, expansion, term, Wical Col 32 lines 57-65, Col 3 lines 28-35, Col 4 lines 48-63, Col 14 lines 25-30, Fig 6,7]:

providing a first interface allowing a user to build a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term [Wical Fig 14, Col 14 lines 38-55];

providing a second interface allowing the user to specify expanded search terms to be associated with the at least one base search term [Wical Fig 14, Col 14 lines 38-55]; and

prior to executing the query, modifying the query to contain one or more conditions including the one or more specified expanded search terms [Wical Col 3 lines 11-22].

Claim 18.

Wical discloses the elements of claim 17 as above and furthermore it discloses the second interface is accessible from the first interface [Wical Fig 14, Col 14 lines 38-55].

Claim 19.

Wical discloses the elements of claim 17 as above and furthermore it discloses wherein the second interface allows a user to specify different sets of expanded search terms associated with different levels of expansion [Wical Fig 14, Col 14 lines 38-55].

Claim 20.

Wical discloses the elements of claim 19 as above and furthermore it discloses wherein the different levels of expansion are determined, at least in part, based on one or more credentials of the user [Wical Col 13, lines 50-58].

Claim 21.

Wical disclose:

A data processing system, comprising [Wical Col 4 lines 23-30]:

a collection of data [Wical Col 2 lines 45-55];

at least one expanded term repository [Wical, Col 2 lines 45-55, Col 26 lines 60-65, Fig 2, 12]; and

an executable component configured to receive a query containing at least one condition for searching the collection of data, obtain, based on at least one base search term included in the at least one condition and at least one parameter indicative of a context of the query, one or more expanded search terms contained in the at least one expanded term repository, and modify the query to contain one or more conditions based on the one or more expanded search terms [Wical, Col 2 lines 45-55, Col 26 lines 60-65, Fig 2&12, Col 14 lines 27-55].

Claim 22.

Wical discloses the elements of claim 21 as above and furthermore it discloses wherein the collection of data is a relational database [relational database, Wical Col 6 lines 65-67].

Claim 23.

Wical discloses the elements of claim 21 as above and furthermore it discloses wherein the collection of data is a text document [Wical Col 5 lines 55-60].

Claim 24.

Wical discloses the elements of claim 21 as above and furthermore it discloses wherein the at least one expanded term repository comprises a single repository containing different sets of expanded search terms associated with the same base term [Wical, Col 14 lines 25-37, Fig 8A-C].

Claim 25.

Wical discloses the elements of claim 24 as above and furthermore it discloses wherein the at least one parameter indicative of a context of the query comprises one of a plurality of available expansion levels, each associated with one of the different sets of expanded search terms associated with the same base term [Wical Col 14 lines 25-55].

Claim 26.

Wical discloses the elements of claim 21 as above and furthermore it discloses wherein the at least one parameter indicative of a context of the query is indicative of a portion of the collection of data involved in the at least one condition [Wical Col 14 lines 20-30].

Claim 27.

Wical discloses the elements of claim 26 as above and furthermore it discloses wherein the at least one parameter indicative of a context of the query comprises a name of a table containing the at least one field [table, Wical Col 30 lines 4-10].

Claim 28.

Wical discloses:

A method of searching fields of a data repository using dynamic term expansion, comprising [Wical Col 30 lines 48-55, 60-65]:

obtaining a query containing at least one condition for searching at least one field of the data repository, wherein the at least one condition includes at least one base search term [receive, user query, Wical Col 7 lines 62-67, Col 8 lines 40-45];

identifying a set of expanded terms associated with the base search term; generating a pointer to the identified set of expanded search terms [Links (pointer) Wical, Fig 6,7, 9C, Col 14 lines 27-55, Col 11 lines 42-44]; and

prior to executing the query, modifying the query to contain one or more conditions based on one or more expanded search terms retrieved using the pointer [links (pointer), Wical Col 3 lines 11-22, Col 11 lines 42-44].

Claim 29.

Wical discloses the elements of claim 28 as above and furthermore it discloses modifying the identified set of expanded search terms after generating the pointer [Links (pointer), Wical Col 11 lines 42-44].

Claim 30.

Wical discloses the elements of claim 28 as above and furthermore it discloses wherein the pointer comprises a directory path to a database [directory guide, Wical Col 2 lines 28-30].

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Name: Emeka Ebirim
Art Unit: 2166

KHANH B. PHAM
PRIMARY EXAMINER

